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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,270	03/17/2004	Mark D. Hull	HUL-1	4232
26689	7590	08/24/2005	EXAMINER	
WILDMAN HARROLD ALLEN & DIXON 225 WEST WACKER DRIVE, SUITE 2800 CHICAGO, IL 60606			LEE, SEUNG H	
			ART UNIT	PAPER NUMBER
			2876	
DATE MAILED: 08/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/802,270

Applicant(s)

HULL, MARK D.

Examiner

Seung H. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-24 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 5,6 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/2004, 7/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolf (US 3,392,468, cited by applicant).

Wolf teaches a container lid wherein the container lid comprises a plurality of dimples (18) serving as a question and answer cell, in which the dimples are depressible in order to identify the content of the container (see Fig.1; col. 1, line 2, lines 7-71).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Orr et al. (US 5,102,036, cited by applicant)(hereinafter referred to as 'Orr').

The teachings of Wolf have been discussed above.

Although, Wolf teaches to identify the content of the container with depressible dimples, he fails to particularly teach that the drink sleeve is used to identify the content.

However, Orr teaches a drink sleeve or a formable enclosure (20) wherein the enclosure comprises printed information thereon (see Fig. 1; col. 5, lines 1-16).

Therefore, it would have been an obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Orr to the teachings of Wolf in order to display additional information regarding the content of the container on the drink sleeve or enclosure. Moreover, such modification would provide an additional functionality wherein the enclosure can be used as mailing tubers, and therefore an obvious expedient.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Greenly (GB 2,194,767, cited by applicant).

The teachings of Wolf have been discussed above.

Although, Wolf teaches to identify the content of the container with depressible dimples, he fails to particularly teach that the question portion is adhesively affixed to the container.

However, Greenly teaches a disposable container (1) having a removable label (3) for identifying product (see Fig. 1-2; lines 62-106).

Therefore, it would have been an obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Greenly to the teachings of

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Wolf in order to provide an additional information printed on the adhesive label therewith, and therefore an obvious expedient.

***Allowable Subject Matter***

6. Claims 11-24 are allowed.
7. Claims 5, 6, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Although, the best prior art of record to Wolf, Orr, and Greenly teaches the beverage container having dimples for indicating contents of the container, they fail to teach or fairly suggest that the data collection device comprises at least one dry ink pellet contained within the depressible button and a self mailing survey attached to at one of the beverage container and the drink sleeve and a method of collecting the data from the data collection device from the at least one user after the user has completed a response to the one question and answer cell affixed to he drink sleeve or a beverage container and analyzing the response from the data collection device as set forth in the claims.


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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Seung H. Lee  
Art Unit 2876  
August 19, 2005